33. (Amended) A method of introducing a device according to claim 1 to the heart of a patient, the method including the steps of:

(a) making an incision or puncture in the chest of a patient to allow access to the heart;

(b) inserting the device through the incision or puncture;

(c) affixing the heart compressing wall to a region of the heart; and

(d) applying fluid pressure to the chamber of the device such that the heart compressing wall compresses the heart wall in the region of the heart to which the device is affixed.

REMARKS

The foregoing amendments are made to delete multiple claim dependencies and make other changes in order to place the claims in U.S. format.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version with markings to show changes made."

In view of the foregoing, early action on the merits is respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

3. (Amended) A device according to claim 1 [or claim 2] wherein said heart compressing wall is generally curved inwardly towards the distal wall when in a normally relaxed condition.

5. (Amended) A device according to [any preceding] claim 1 including a chamber within the main body between the heart compressing wall and said distal wall and being adapted for the ingress or egress of fluid which causes the movement of the heart compressing wall.

6. (Amended) A device according to [any preceding] claim 1 wherein said main body is configured such that both the heart compressing wall and the distal wall are adapted to move in a direction relatively away from one another during compression of the heart.

10. (Amended) A device according to claim 8 [or 9] wherein the reinforcing material is Dacron™ mesh.

11. (Amended) A device according to [any preceding] claim 1 wherein at least a portion of the heart compressing wall includes a biointegratable material surface which facilitates the ingrowth of vascularised cellular tissue elements into the wall, the ingrowth of tissue into the heart compressing surface serving to affix the heart compressing wall of the main body to the heart.

13. (Amended) A device according to claim 10 [or claim 11] wherein the biointegratable material is in the form of woven Tecoflex™ mesh, Seare Biomatrix™, or Gore-Tex DualMesh™.

14. (Amended) A device according to [any preceding] claim 1 wherein the paddle-like main body is deformable so as to be capable of undergoing a change from a first configuration to a second configuration, said paddle-like main body including a shape memory material which permits said deformation and subsequent return to its original shape.

15. (Amended) A device according to [any preceding] claim 1 wherein the main body includes a unitary structure formed of polyurethane or silicone, including reinforcement mesh or hardened material.

16. (Amended) A device according to [any preceding] claim 1 including means to monitor the electrical and mechanical activity of the heart.

19. (Amended) A device according to [any preceding] claim 1 including a plurality of sensors adapted to measure the heart dimensions and movement or displacement of the chamber walls during excursion of the devices.

23. (Amended) A device according to claim 19[, 20 and 21] wherein there are a plurality of said sensors operatively connected in selective positions to said heart compressing wall.

24. (Amended) A device according to [any preceding] claim 1 wherein said heart compressing wall is configured so that the heart compressing surface generally conforms to the shape of that region of the heart to which it is fixed.

25. (Amended) A device according to [any preceding] claim 1 wherein said heart compressing wall is adapted to be affixed to a region of the left ventricle of the heart.

26. (Amended) A device according to [anyone of claims 1 to 25] claim 1 wherein said heart compressing wall is adapted to be fixed to a region of the right ventricle of the heart.

27. (Amended) A device according to [any preceding] claim 1 wherein the main body is at least initially affixed to the heart by straps.

28. (Amended) Heart assist apparatus including one or more heart actuator devices according to [any preceding] claim 1 which are adapted to be secured to a region or selected regions of the heart, said apparatus further including driving means in fluid communication with the chamber, said driving means including a controller and a power source.

31. (Amended) Apparatus according to claim 28[, 29 or 30] wherein there is provided a plurality of said heart actuator devices operatively connected to selected regions of the heart.

32. (Amended) A method of assisting a failing heart using a heart actuator device according to [any one of claims 1 to 27] claim 1, the method including the steps of:

(a) positioning the heart compressing wall of the device at least adjacent a region of the heart;

(b) affixing the heart compressing wall with the region of the heart; and

(c) applying fluid pressure to the chamber of the device such that the heart compressing wall compresses the heart wall in the region of the heart to which the device is affixed.

33. (Amended) A method of introducing a device according to [any one of claims 1 to 27] claim 1 to the heart of a patient, the method including the steps of:

(a) making an incision or puncture in the chest of a patient to allow access to the heart;

(b) inserting the device through the incision or puncture;

(c) affixing the heart compressing wall to a region of the heart; and

(d) applying fluid pressure to the chamber of the device such that the heart compressing wall compresses the heart wall in the region of the heart to which the device is affixed.